



CITY COUNCIL AGENDA

SEPTEMBER 18, 2001

SYNOPSIS

LINDA J. LE ZOTTE
FORREST WILLIAMS
CINDY CHAVEZ
CHUCK REED
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER
GEORGE SHIRAKAWA, JR.
DAVID D. CORTESE
JOHN DIQUISTO
PAT DANDO

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- **Strategic Support Services** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- **Economic and Neighborhood Development** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- **Recreation and Cultural Services** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- **Transportation Services** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- **Environment and Utility Services** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- **Aviation Services** — Provide for the air transportation needs of the community and the region at levels that are acceptable to the community.
- **Public Safety Services** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 10 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

1. **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item/s that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
2. When the Council reaches your item on the agenda, Mayor Ron Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
3. Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
4. To assist you in tracking your speaking time, there are three lights located to the far right of the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

- **Call to Order and Roll Call**
9:30 a.m. - Closed Session, Room 600, City Hall
Absent: Council Members – None.

1:30 p.m. - Regular Session, Council Chambers, City Hall
Absent: Council Members – None.

7:00 p.m. - Public Hearings, Council Chambers, City Hall
Meeting Cancelled.
- **Invocation (District 8)**
Mohinder Singh, Head Granthi of Sikh Gurdwara, assisted by interpreter Jasjit Kaur, delivered the invocation
- **Pledge of Allegiance**
Mayor Gonzales led in the Pledge of Allegiance and asked the audience to join the City Council in a moment of silence.
- **Orders of the Day**
Approved.

1 CEREMONIAL ITEMS

- 1.1** Presentation of a new newsmagazine program on Civic Center Television called “San José in Focus.” (City Manager’s Office)
Deferred to 09/25/01.
- 1.2** Presentation of a commendation recognizing Neil Parry for his personal courage and persistence in pursuit of a football career at San José State University. (Mayor)
Deferred to 09/25/01.
- 1.3** Presentation of a commendation recognizing the San José Fire Department Emergency Medical Dispatchers for achieving the Accredited Center of Excellence Award from the National Academy of Emergency Medical Dispatch. (Fire)
Deferred to 09/25/01.

2 CONSENT CALENDAR

2.1 Approval of Minutes.

Recommendation: Approval of City Council Minutes for:

- (a) Regular meeting of May 22, 2001
Approved.
- (b) Regular meeting of May 15, 2001
[Deferred from 9/11/01 – Item 2.1(a)]
Approved.
- (c) General Plan meeting of May 15, 2001
[Deferred from 9/11/01 – Item 2.1(b)]
Approved.

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances:

- (a) ORD. NO. 26479 – Rezones certain real property situated at the east side of North First Street, approximately 250 feet southerly of Burton Avenue (1100 North First Street). PDC 01-02-013
Ordinance No. 26479 adopted.
- (b) ORD. NO. 26472 – Amends Section 1.08.020 of Chapter 1.08 of Title 1 of the San José Municipal Code, which lists all infractions, to make technical corrections to the list of infractions.
[Deferred from 9/11/01 – Item 2.2(a)]
Ordinance No. 26472 adopted.
- (c) ORD. NO. 26476 – Amends Title 6 of the San José Municipal Code to add a new chapter relating to the activity of auto body repair shops, to establish the permit procedures and set forth operating regulations and conditions.
[Deferred from 9/11/01 – Item 2.2(b)]
Ordinance No. 26476 adopted.

2.3 Approval of various funding actions relating to the agreement between the Neighborhood Housing Services and the City to partially fund tenant improvements.

Recommendation: Adoption of appropriation ordinance and funding sources resolution amendments increasing the Rental Rehab Program Projects appropriation to the Housing Department by \$77,685. (City Manager's Office)
(Deferred from 9/4/01 – Item 2.5)

Ordinance No. 26480 adopted.

Resolution No. 70610 adopted.

2 CONSENT CALENDAR

2.4 Approval to award the purchase of Motorola XTS3000 portable radios for the Police Department.

Recommendation: Award the sole source purchase of eighty-one Motorola XTS3000 portable radios for the Police Department to Motorola C & E Inc., for a total cost of \$327,720.91, including tax and delivery, and authorization for the Director of General Services to execute the purchase order. (General Services)

Approved.

2.5 Approval of various actions related to the San José Fire Bell Replica.

Recommendation:

- (a) Adoption of appropriation ordinance amendments in the General Fund in the amount of \$150,000, for the San José Fire Bell Replica.
- (b) Adoption of a resolution authorizing the City Manager to negotiate and execute design, fabrication, and other implementing agreements, to be installed in Plaza de Cesar Chavez.

CEQA: Exempt. Council District 3. (Conventions, Arts and Entertainment)
(Deferred from 9/11/01 – Item 2.3)

Dropped.

2.6 Approval of various actions related to the West Valley Branch Library Project.

Recommendation: Approval of the second amendment to the agreement with Rob Wellington Quigley, FAIA, for architectural services for the West Valley Branch Library Project, extending the agreement term from November 30, 2002 to March 31, 2003, amending the scope of services, and increasing compensation by \$140,000, from \$871,167 to \$1,011,167. Council District 1. (Public Works)

(Deferred from 9/11/01 – Item 2.4)

Approved.

2.7 Approval of the extension of a cable franchise with Gill Industries, Inc.

Recommendation: Adoption of an urgency ordinance extending the cable franchise ordinance with Gill Industries, Inc. until December 31, 2001. (City Manager's Office)
(Rules Committee referral 9/12/01)

Urgency Ordinance No. 26481 adopted.

2.8 Approval of Council Member Forrest Williams' travel.

Recommendation: Approval of Council Member Forrest Williams' travel to Philadelphia, PA, September 30 through October 4, 2001, to attend the American Public Transportation Association Annual Conference. Funding: Valley Transportation Authority. (Williams)

(Rules Committee referral 9/12/01)

Dropped.

3 STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session

Mayor Gonzales, Chair

- (a) May 16, 2001 – Proposed FY 2001/02 Operating Budget
The City Council's review of the Proposed Fiscal Year 2001-02 Operating Budget was organized around the City Service Areas developed to review the budget based on services provided rather than by department, namely Strategic Support CSA for Finance and Technology, Employee Service, and City Facilities and Equipment. The staff presentation also included General Fund Reserves, Transfers, Capital, and Fees and Charges.
- (b) May 14, 2001 – Proposed FY 2001-02 Operating Budget
[Deferred from 9/11/01 – Item 3.1(a)]
The City Council's review of the Proposed Fiscal Year 2001-02 Operating Budget continued with staff presentations on Transportation, Environmental and Utility Services, Public Safety, and Strategic Support CSAs, and review of the City Auditor recommendations that the Administration prepare a fee structure to make hazardous materials permanent storage fees cost recovery.

3.2 Report of the Rules Committee – September 5, 2001

Vice Mayor Shirakawa, Jr., Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
The Redevelopment Agency items to be reported out at Redevelopment Agency Board meeting.
- (b) City Council
 - (1) Review September 18, 2001 Draft Agenda
The Committee approved the September 18, 2001 City Council Agenda.
 - (2) Add New Items to September 11, 2001 Amended Agenda
The Committee recommended no changes to the September 11, 2001 City Council Agenda.
- (c) City Council Committees
 - (1) Amendments to Council Committee Agendas
 - (a) Finance and Infrastructure Committee
 - (b) Economic Development and Environment Committee
 - (c) Education, Neighborhoods, Youth, and Seniors Committee**None Presented.**

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – September 5, 2001 – (Cont'd.)

Vice Mayor Shirakawa, Jr., Chair

- (d) Meeting Schedules
None Presented.
- (e) The Public Record
The Committee noted and filed the Public Record for the period August 22 to August 28, 2001
- (f) Boards, Commissions and Committees
 - (1) Authorization to allow a non-City resident to continue to serve as a member of the Housing Advisory Commission
The Committee dropped this item.
- (g) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee
None Presented.
- (h) Administrative Reviews and Approval
 - (1) Approve recommended City positions for League of California Cities resolutions
This Item was scheduled for reporting to Council on September 11, 2001. September 11, 2001 Council meeting cancelled and this item deferred to September 18, 2001.
- (i) Oral communications
None Presented.
- (j) Adjournment
The meeting was adjourned at 2:15 p.m.

The Rules Committee Report and actions of September 5, 2001 accepted.

3.2 Report of the Rules Committee – September 5, 2001 (Partial)

Vice Mayor Shirakawa, Jr., Chair

- (h) Administrative Reviews and Approval
 - (1) Approve recommended City positions for League of California Cities resolutions
The Committee approved the recommended City positions for nine resolutions to be considered at the Annual League of California Cities Conference to be held in Sacramento, California, September 12-15, 2001.

The Rules Committee Report (Partial) of September 5, 2001 accepted.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – August 29, 2001

Vice Mayor Shirakawa, Jr., Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
The Redevelopment Agency items to be reported out at Redevelopment Agency Board meeting.
- (b) City Council
 - (1) Review September 11, 2001 Draft Agenda
The Committee approved the September 11, 2001 City Council Agenda.
 - (2) Add New Items to September 4, 2001 Amended Agenda
The Committee recommended two additions to the September 4, 2001 City Council Agenda.
- (c) City Council Committees
 - (1) Amendments to Council Committee Agendas
 - (a) Finance and Infrastructure Committee
The Committee recommended the following for the September 12, 2001 City Council Agenda: [1] Add an item entitled, “Wireless Contractual Services at the Airport”; [2] Cancel the September 12, 2001 meeting; and [3] Defer all items to the September 26, 2001 meeting.
 - (b) Economic Development and Environment Committee
None Presented.
 - (c) Education, Neighborhoods, Youth, and Seniors Committee
None Presented.
- (d) Meeting Schedules
None Presented
- (e) The Public Record
There was no Public Record for the period August 15-21, 2001.
- (f) Boards, Commissions and Committees
None Presented.
- (g) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee
None Presented.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – August 29, 2001 – (Cont'd.)

Vice Mayor Shirakawa, Jr., Chair

(h) Administrative Reviews and Approval

- (1) Request by Council Member Chavez to use Council General funds to attend the Congressional Hispanic Caucus Institute 2001 Issues Conference in Washington D. C., September 24-25, 2001.

The Committee recommended approval for Council member Chavez to use Council General funds to attend the Congressional Hispanic Caucus Institute 2001 Issues Conference in Washington, D.C., September 24-25, 2001.

(i) Oral communications

None Presented.

(j) Adjournment

[Deferred from 9/11/01 – Item 3.2]

The meeting was adjourned at 2:05 p.m.

The Rules Committee Report and actions of August 29, 2001 accepted.

3.3 Report of the Finance and Infrastructure Committee

Council Member Dando, Chair

None.

3.4 Consideration of the name change of Empire Branch Library.

Recommendation: Consideration of naming the Empire Branch Library the “Joyce Ellington Library.” (Chavez/Mayor)

Council approved the renaming of the Empire Library to “Joyce Ellington Library”. Noes: Reed.

3.5 Approval of various fiscal actions for Redevelopment Agency Capital Projects.

Recommendation: Adoption of appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-Side Redevelopment Fund) for the Convention Center Capital Improvements Project with a net impact to the fund of \$800,000. (City Manager’s Office)

Ordinance No. 26482 adopted.

Resolution No. 70611 adopted.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

- 4.1 Report of the Economic Development & Environment Committee
Council Member Williams, Chair
No Report.**

- 4.2 Approval of various actions related to the Vermont Transitional Housing Development.**

Recommendation: Adoption of a resolution:

- (a) Approving business terms for an acquisition and permanent loan in an amount not to exceed \$651,300, and a conditional grant of up to \$308,700, to Combined Addicts and Professionals Services, Inc. for the acquisition and permanent financing of two adjacent properties located at 1072 & 1082 Vermont Street for group-home transitional housing for up to 30 individuals with extremely low- and very low incomes.
- (b) Finding that the use of 20% Housing Funds for the project is of benefit to the Redevelopment Project Areas in San José.

Council District 6. (Housing)
(Deferred from 9/11/01 – Item 4.2)

Resolution No. 70612 adopted.

- 4.3 Approval of various actions related to the Reception Center Family Expansion Development.**

Recommendation: Adoption of a resolution authorizing the Director of Housing to negotiate and execute business terms for a conditional grant not to exceed \$1,000,000 to Emergency Housing Consortium for the development of 10 units of transitional housing affordable to extremely low-income households, to be constructed on a portion of the parking lot of the existing Reception Center, located at 2011 Little Orchard Street.

Council District 7. (Housing)
(Deferred from 9/11/01 – Item 4.3)

Resolution No. 70613 adopted.

- 4.4 Public Hearing on the reorganization of McKee No. 119.**

Recommendation: PUBLIC HEARING and adoption of a resolution authorizing the reorganization of territory designated as McKee No. 119, which involves the annexation to the City of San José of 3.8 acres of land, located on the east side of North White Road, approximately 450 feet northerly of McKee Road, and the detachment of the same from the Central Fire Protection District, County Library Service Area No. 1, and County Lighting Services. CEQA: Exempt. Council District 5.

(Planning, Building and Code Enforcement)
(Deferred from 9/11/01 – Item 4.4)

Resolution No. 70614 adopted.

5 RECREATION & CULTURAL SERVICES

- 5.1 Report of the Education, Neighborhoods, Youth, and Seniors Committee Council Member Chavez, Chair**
No Report.

- 5.2 Acceptance of the Alum Rock Park Status Report.**

Recommendation: Acceptance of the Alum Rock Park Status Report.
(Parks, Recreation and Neighborhood Services)

Deferred to 10/02/01.

- 5.3 Approval to award a contract for Greystone Park Renovation Project.**

Recommendation: Report on bids and award of contract for Greystone Park Renovation Project to the low bidder, Jensen Corporation Landscape Contractors, for the base bid only, in the amount of \$624,444, and approval of a contingency in the amount of \$55,000. CEQA: Exempt. Council District 10. (Public Works)

Approved.

- 5.4 Approval to award a contract for the Houge Park Play Area and Restroom Renovation Project.**

Recommendation: Report on bids and award of contract for the Houge Park Play Area and Restroom Renovation Project to the low bidder, Jensen Corporation Landscape Contractors, to include the base bid and Add Alternate Nos.1 through 8, in the amount of \$707,233, and approval of a contingency in the amount of \$70,000. CEQA: Exempt. Council District 9. (Public Works)

Approved.

6 TRANSPORTATION SERVICES

- 6.1 Approval of various agreements and actions related to the Silicon Valley - Intelligent Transportation Systems Program.**

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute the following agreements related to the Silicon Valley – Intelligent Transportation Systems (SV-ITS) Program and grant the City Manager or the Director of the Department of Transportation, the authority to extend the terms of the agreements as necessary:

- (a) An agreement with Kimley-Horn and Associates for consultant services for the SV-ITS West Corridor Project, in an amount not to exceed \$699,725, and for a term from the date of execution to April 30, 2004;

This item continued on the next page.

6 TRANSPORTATION SERVICES

6.1 Approval of various agreements and actions related to the Silicon Valley - Intelligent Transportation Systems Program – (Cont'd.)

- (b) A first amendment to the agreement with DKS Associates for consultant services for the Airport ATMS Project, to increase the compensation by \$245,000, and extend the original term of the agreement from March 31, 2002 to December 31, 2002;
- (c) SV-ITS Enhancement Construction Agreement with the County of Santa Clara, at no cost to the City, and for a term from the date of execution to June 30, 2006;
- (d) SV-ITS Fremont-Milpitas Construction Agreement with the City of Milpitas, at no cost to the City, and for a term from the date of execution to September 30, 2004;
- (e) SV-ITS Memorandum of Understanding (MOU) to facilitate program planning and development with the County of Santa Clara, Town of Los Gatos, City of Campbell, City of Santa Clara, City of Milpitas, City of Fremont, City of Cupertino, Valley Transportation Authority, Metropolitan Transportation Commission, California Highway Patrol, and California Department of Transportation, at no cost to the City, and for a term from the date of execution to August 1, 2005;
- (f) SV-ITS Cooperation Agreement to facilitate program design and construction implementation with the County of Santa Clara, Town of Los Gatos, City of Campbell, City of Santa Clara, City of Milpitas, City of Fremont, City of Cupertino, Valley Transportation Authority, and California Department of Transportation, at no cost to the City, and for a term from the date of execution to August 1, 2005;
- (g) SV-ITS Operations and Maintenance Agreement (O&M) with the County of Santa Clara, Town of Los Gatos, City of Campbell, City of Santa Clara, City of Milpitas, City of Fremont, City of Cupertino, Valley Transportation Authority, California Highway Patrol, and California Department of Transportation, at no cost to the City, and for a term from the date of execution to August 1, 2005;
- (h) A Cooperation Agreement for project design and construction implementation with the City of Fremont, City of Milpitas, County of Santa Clara, and California Department of Transportation for the SV-ITS Fremont – Milpitas Project, at no cost to the City, and for a term from the date of execution to September 30, 2005;
- (i) A Cooperation Agreement for project design and construction implementation with the City of Campbell, City of Cupertino, City of Santa Clara, County of Santa Clara, and California Department of Transportation for the SV-ITS West Corridor Project, at no cost to the City, and for a term from the date of execution to June 30, 2006.
- (j) Authorization for the City Manager or the Director of the Department of Transportation to extend the terms of these agreements as necessary.

CEQA: Exempt. (Transportation)

Resolution No. 70615 adopted.

6 TRANSPORTATION SERVICES

6.2 Acceptance of staff's Traffic Calming status report.

Recommendation: Acceptance of staff's Traffic Calming status report.
(Transportation)
(Deferred from 9/11/01 – Item 6.1)

Council accepted the status report with directives for the following information: (1) Staff to provide Council with the number and uses of photo radar and an informational memorandum regarding the use of NASCOP equipment and patrol; (2) Staff to provide an update on *Attachment A – Summary of Traffic Calming Projects* – to the 09-06-01 memorandum explaining the carryovers and how they are addressed Citywide. (3) Staff to work with Council Offices to reduce the backlog of traffic calming projects, considering the addition of new requests, and to coordinate with the Police Department ongoing traffic enforcement operations. (4) The Administration to reinforce communications with Council Offices by developing a comprehensive and interactive reporting system which links both SNIs and traffic calming, with that information linked to the October Policy Setting Session. (5) Regarding Safe Schools Routes, Staff to provide Council with detailed reports for each of the Council Districts, before the reports are distributed to schools.

7 ENVIRONMENTAL & UTILITY SERVICES

7.1 Acceptance of staff's report regarding the proposed New Development and Redevelopment Requirements of the NPDES permit and direction to staff to forward comments accordingly

Recommendation: Acceptance of the report and authorization for the submission of the detailed comments to the San Francisco Bay Regional Water Quality Control Board addressing the proposed New Development and Redevelopment Requirements of the Stormwater National Pollutant Discharge Elimination System (NPDES) Permit, dated August 17, 2001. (Environmental Services)

Council accepted the staff report and authorized transmittal of the formal comments to the Regional Water Quality Control Board.

7 ENVIRONMENTAL & UTILITY SERVICES

7.2 Approval to submit the Urban Runoff Management Plan Annual Report and certification to the Regional Water Quality Control Board.

Recommendation: Authorization for the submittal of the Urban Runoff Management Plan Annual Report and certification to the Regional Water Quality Control Board in conformance with the City's Municipal Separate Storm Sewer System National Pollutant Discharge Elimination System permit requirements, pursuant to the Federal Clean Water Act. (Environmental Services)

(Deferred from 9/4/01 – Item 7.1 and 9/11/01 – Item 7.1)

Council accepted the report and authorized submittal of the Annual Report and certification to the Regional Water Quality Control Board.

7.3 Approval of various actions related to the San José Municipal Water System.

Recommendation:

- (a) Adoption of resolutions authorizing the following with respect to completion of the Request for Proposals process for lease and/or operation of the San José Municipal Water System:

- (1) Authorizing the City Attorney to negotiate and execute a continuation agreement for legal services with Hawkins, Delafield & Wood to extend the term through December 31, 2001, and to increase compensation by \$115,000, to a total amount not to exceed \$265,000.

Resolution No. 70616 adopted.

- (2) Authorizing the City Manager to negotiate and execute a continuation agreement for technical services with HDR Engineering, Inc. to extend the term through December 31, 2001, and to increase compensation by \$40,000, to a total amount not to exceed \$290,000.

Resolution No. 70617 adopted.

- (b) Adoption of the following appropriation ordinance amendments in the Water Utility Fund (Fund 515) to:

- (1) Establish an appropriation in the Water Utility Fund in the amount of \$155,000 for the above consultant services; and
(2) Reduce the Water Utility Fund ending fund balance by a corresponding \$155,000.

(City Manager's Office)

(Deferred from 8/28/01 – Item 7.2 et al, and 9/11/01 – Item 7.2)

Ordinance No. 26483 adopted.

7 ENVIRONMENTAL & UTILITY SERVICES

7.4 Study Session on the next steps of the Recycle Plus! Program and the transition process.

Recommendation:

- (a) Acceptance of the status report on the preparations for transition to the 2002 Recycle Plus Program.
- (b) Acceptance of the Integrated Waste Management Efficiency Review.
- (c) Approval of the customer rate structure for the Recycle Plus Multi-Family Dwelling Bin² Program beginning July 1, 2002.
- (d) Approval of the following Recycle Plus rates for services beginning July 1, 2002:
 - (1) Set the rate for the new 20-gallon mini garbage cart at \$12.95 per month; and,
 - (2) Set the optional yard trimmings cart subscription rate at \$2.00 per month.

(Environmental Services)

This Item Scheduled for September 20, 2001, 8:00 a.m. under Item 7.1.

7.5 Review and approval of the architectural design for the Metcalf Energy Center.

Recommendation: Review and approval of the architectural design for the Metcalf Energy Center. (Planning, Building and Code Enforcement)

(Rules Committee referral 9/12/01)

Dropped.

8 AVIATION SERVICES

8.1 Approval of a request to substitute a contractor for the Interim FIS International Arrivals Facility.

Recommendation: Adoption of a resolution approving a request from S. J. Amoroso Construction Company to substitute Architectural Glass and Aluminum in place of U. S. Glass and Aluminum as the subcontractor for the construction of the window wall system for the Interim Federal Inspection Services International Arrivals Facility at the San José International Airport. (Public Works)

Deferred to 09/25/01.

8 AVIATION SERVICES

8.2 Approval of the proposed benchmark standards to be included in the on-demand Airport taxicab services concession agreements at San José International Airport.

Recommendation: Approval of the customer service, due process, and labor peace standards outlined in the Request for Proposal Concession Exemplar as well as the relevant service standards outlined in the proposals submitted by Yellow Checker Cab Co., Inc. and United Taxicab Corporation for the concessions at Terminal A & C. (Airport)

(Rules Committee referral 9/12/01)

Deferred to 09/25/01.

Council directed Staff to return to Council with responses to (a) requirement for performance standards, (b) short trips and what can be done to ensure cab companies comply, (c) due process issues, (d) definition of “loitering”, (e) mechanisms to measure customer satisfaction, and (f) development of a plan to randomly inspect/monitor vehicles for safety and appearance.

9 PUBLIC SAFETY SERVICES

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

• Closed Session Report

Disclosure of Closed Session Action of September 18, 2001 submitted by City Attorney, J. Richard Doyle:

A. Authority to Initiate Litigation:

Authority to initiate litigation was given in one (1) matter. The name of the action and the defendants as well as the substance of the litigation shall be disclosed to any person upon inquiry once the action is formally commenced.

Council Vote:	Ayes:	Campos, Chavez, Cortesé, Dando, Diquisto, LeZotte, Reed, Shirakawa, Jr., Williams, Yeager; Gonzales.
	Noes:	None.
	Absent:	None.
	Disqualified:	None.

- **Closed Session Report**

**Disclosure of Closed Session Action of September 18, 2001 submitted by
City Attorney, J. Richard Doyle: - (Cont'd.)**

B. Authority to Enter Litigation Cases as *Amicus Curiae*:

Case Name: Orange County, et al. v. State Water Resources Control Board

Adverse Party or Parties: State Water Resources Control Board

Substance of Litigation: Appeal to Office of Administrative Law to Invalidate State Board Decision Regarding Stormwater Permit Conditions.

Council Vote:

Ayes:	Campos, Chavez, Cortesé, Dando, Diquisto, LeZotte, Reed, Shirakawa, Jr., Williams, Yeager; Gonzales.
Noes:	None.
Absent:	None.
Disqualified:	None.

- Notice of City Engineer's Pending Decision on Final Maps

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/ Units</u>	<u>Type</u>	<u>Proposed Decision</u>
9364	W/s of Boynton Ave.	1	Abe Golpour	5 units	SFDR	Approve

- Open Forum

- (1) **Ross Signorino commented on the recent disasters in New York and Washington, D.C.**
- (2) **Pete Campbell suggested the City lease the River Court Center on Julian Street.**

11 PUBLIC HEARINGS

11.1 Public Hearing and approval of an ordinance modifying parking requirements.

Recommendation: PUBLIC HEARING and approval of an ordinance amending several sections of Title 20 of the San José Municipal Code to do all of the following: modify the parking requirements for certain industrial land uses; revise provisions pertaining to public eating establishments in industrial zoning districts; amend parking exception for one-family dwellings; include provisions related to setbacks for mechanical equipment in planned development districts; modify provisions related to social service agencies and uses; corrections of typographical errors; and amendments to other titles of the Municipal Code corresponding to changes made as a result of the Zoning Code update.
Citywide

Continued to 10/16/01.

11.2 Public Hearing on the naming of two streets.

Recommendation: PUBLIC HEARING ON STREET NAMING to allow the naming of two public streets at the northerly terminus of Great Oaks Boulevard, westerly of Monterey Highway and northerly of State Route 85 “Great Oaks Court and Exchange Way.” (1-Star San José, LLC, Owner/Developer). CEQA: Resolution No. 70021.
District 2

Continued to 10/16/01.

11.3 Public Hearing on appeal of the Planning Commission’s decision to approve a Conditional Use Permit.

Recommendation: PUBLIC HEARING ON APPEAL of the Planning Commission’s decision to approve a Conditional Use Permit for a project located at the northwest corner of Potrero Drive and Custer Drive, on a 0.82 gross acre site in the R-1-8 Residence Zoning District, to allow the installation of up to 6 wireless communications antennas atop an existing PG&E tower and the installation of an equipment shelter. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1) (Pacific Gas and Electric, Owner; Verizon Wireless, Developer). CEQA: Exempt.

CP 01-03-021 - District 9

Continued to 10/02/01.

11 PUBLIC HEARINGS

11.4 Public Hearing on planned development rezoning of Balbach Street.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the south side of Balbach Street, 200 feet westerly of Market Street, from C-3 Commercial Zoning District to A(PD) Planned Development Zoning District, to allow up to 12 attached dwelling units on 0.40 gross acre. (Des Nolan, Owner/Developer.) CEQA: Resolution No. 68839. Director of Planning, Building, and Code Enforcement and Planning Commission recommend approval (6-0-1).

PDC 00-05-043 - District 3

(Continued from 6/5/01 – Item 11.8 and 6/19/01 – Item 11.9)

Continued to 10/02/01.

11.5 Public Hearing on conforming rezoning at Lincoln and Auzerais Avenues.

Recommendation: PUBLIC HEARING ON CONFORMING REZONING of the property located at the southeast corner of Lincoln and Auzerais Avenues, from HI Heavy Industrial Zoning District to IP Industrial Park Zoning District, to allow office uses on 2.02 gross acres. (Gina Bortoli Test Trust, Owner; Wellington Corporation, Developer). CEQA: Negative Declaration. Director of Planning, Building, and Code Enforcement recommends approval. No Planning Commission action required.

C 01-02-026 - District 6

(Continued from 8/14/01 – Item 11.16 and 9/4/01 - Item 11.4)

Dropped.

11.6 Public Hearing on planned development rezoning at U.S. Highway 101 and Silver Creek Valley Road.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the southeastern corner of U.S. Highway 101 and Silver Creek Valley Road, from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District, to allow a hotel athletic club, and office uses on 10.48 gross acres. (Steve Sund, McCandless Companies, Owner/Developer).

PDC 00-10-109 - District 2

Continued to 10/16/01.

- Open Forum
- Adjournment

The Council of the City of San José adjourned the meeting at 5:00 p.m. in honor of all of the victims, families and communities affected by the terrorist attacks, to reconvene on Thursday, September 20, 2001, 8:00 a.m., Council Chambers, to hear item 7.4.

The following resolutions were adopted at the joint Redevelopment Agency/City Council meeting on Tuesday, September 18, 2001:

7.2 Public Hearing and amendment of the Redevelopment Inclusionary Housing Policy.

Recommendation: Public Hearing, followed by adoption of resolutions by the City Council and Agency Board making findings that the aggregation of inclusionary housing units among all Redevelopment Project Areas will not cause or exacerbate segregation, and making certain modifications to the Redevelopment Area Inclusionary Housing Policy. **(MERGED)**
(Deferred from 08/28/01 – Item 7)

Resolution No. 70618 adopted. Vote: 11-0-0-0.

7.3 Authorization by the City Council to negotiate and execute an agreement with the Redevelopment Agency and with Neighborhood Housing Services of Silicon Valley to assist with tenant improvements for the NHS office at Story and King Roads and related actions; and authorization by the Agency Board to negotiate and execute an agreement with the City to reimburse one-half of the costs.

Recommendation:

(a) Adoption of a resolution by the City Council:

- (1) Approving the expenditure of Rental Rehabilitation Program funds for one half of the \$155,370 tenant-improvement costs for Neighborhood Housing Services of Silicon Valley (NHSSV); and
- (2) Authorizing the Director of Housing to negotiate and execute a cooperation agreement with the Redevelopment Agency for the Agency to reimburse the City for the other half of \$155,370 tenant-improvement costs for NHSSV; and
- (3) Authorizing the Director of Housing to negotiate and execute an agreement with NHSSV to partially fund tenant improvements, in an amount not to exceed \$155,370, for the 5,179 square-foot permanent NHSSV office at the corner of King and Story Roads.

Resolution No. 70619 adopted. Vote: 11-0-0-0.

(b) Adoption of a resolution by the Agency Board, authorizing the Executive Director to negotiate and execute a cooperation agreement with the City to reimburse the Housing Department for one-half of the \$155,370 tenant-improvement costs for NHSSV.

(CEQA: Resolution No. 62615. **(STORY ROAD)**)

[Deferred from 08/14/01, et al. and 09/11/01 – Item 7.1]

**Redevelopment Agency Board Resolution adopted.
Vote: 11-0-0-0.**